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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,532	11/19/2001	Volker Henz	112740-354	5940

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/979,532		HENZ ET AL.	
	Examiner		Art Unit	
	Barry W. Taylor		2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al (5,617,471 hereinafter Rogers) found on Applicant's 1449 disclosure in view of Shaffer et al (5,825,858 hereinafter Shaffer) further in view of Curtis et al (6,614,897 hereinafter Curtis).

Regarding claim 4. Rogers teaches a method for converting a three-party telecommunications connection which is switched ... from an operator-involved call to a subscriber only involved call. See figure 1 wherein three party connection made by

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USER B calling operator (i.e. USER A) to make three-party connection with USER C.

The operator (i.e. USER A) then converts three-party connection into a two-party connection by connecting USER B to USER C (col. 2 lines 10-30) before disconnecting from connection.

Rogers does not explicitly show using tariff model for making the three-party connection into a two-party connection. However, Rogers does use intelligent decision when converting three-party connection into two-party connection (see col. 4 line 47 – col. 9 line 24 wherein database used to look-up information so as to intelligently convert three-party call into a two-party call).

Shaffer teaches that tariff data may be used in conjunction with converting three-party call into a two-party call (see abstract, col. 1 lines 42-47). Shaffer discloses using database information containing tariff data (col. 2 lines 51-60, col. 3 lines 2-12) for three party call (col. 3 lines 31-56) to achieve “optimal” connectivity thereby saving money when teleconferencing preformed (col. 4 line 5 – col. 5 line 57). Shaffer disclose other parameters contained in tariff table (see for example “time” and “resource availability” located in columns 5-9) that also facilitate efficient teleconferencing. Shaffer indeed discloses releasing sections of the three-party call (see columns 7-8 wherein original connection dropped after making teleconference connection). Shaffer even discloses that more than one database may be used to facilitate teleconferencing (col. 9 lines 7-50).

In summation, Shaffer improves on prior art by using database information containing tariff data (col. 2 lines 51-60 and col. 3 lines 2-12) thereby automating prior

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art teachings of using "human involvement" by using different connectivity configurations (i.e. "reconfiguration"---see col. 4 line 5 – col. 5 line 57) which of course is based upon a variety of factors which include "cost savings" (col. 3 line 41 and col. 5 line 12). In fact, Shaffer discloses bridging nodes to select one "optimal" connectivity configuration to the exclusion of other inferior connectivity configurations (col. 5 lines 42-57). Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Shaffer into the teachings of Rogers in order to automate teleconferencing by using database as disclosed by Shaffer thereby saving money by converting three-party connection into two-party connection as disclosed by Shaffer. Furthermore, Shaffer does exclude other switches that would make the connection "inferior" (see at least col. 5 lines 42-47) where the selection is based upon a number of factors (see at least col. 3 line 41, col. 5 lines 12 and 49).

However, Applicants contend that neither Rogers nor Shaffer teach a new direct telecommunications connection between the two subscribers lines (see Applicants remark on page 4 line 14, paper dated 8/17/05).

Cutis also teaches 3-party telecommunications connection (see calling party A connected to service provider B connected to called party C) converted to two-party (see A connected directly to C figure 2) by releasing operator position when transaction with service provider no longer needed (col. 3 lines 9-40) which reduces the number of circuits tied up for the duration of telephony call (columns 1-2).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the teachings of Rogers in view of Shaffer to release the operator position when transactions with service provider are no longer needed thereby reducing the number of circuits needed when converting 3-party call into 2-party call.

Regarding claim 5. Rogers teaches connecting the lines to common telecommunication switching office (see long distance carrier switching office appearing in abstract, figures 1-12, col. 2 lines 1-29 used in teleconference connections between users A-C).

Regarding claim 6. Rogers does not explicitly show choosing the least cost route to which the second subscriber line is connected.

Shaffer provides the hardy needed teaching that tariff data may be used in conjunction with converting three-party call into a two-party call (see abstract, col. 1 lines 42-47). Shaffer discloses using database information containing tariff data (col. 2 lines 51-60, col. 3 lines 2-12) for three party call (col. 3 lines 31-56) to achieve "optimal" connectivity thereby saving money when teleconferencing preformed (col. 4 line 5 – col. 5 line 57). Of course, Shaffer disclose other parameters contained in tariff table (see for example "time" and "resource availability" located in columns 5-9) that also facilitate efficient teleconferencing. Shaffer indeed discloses releasing sections of the three-party call (see columns 7-8 wherein original connection dropped after making teleconference connection). Shaffer even discloses that more than one database may be used to facilitate teleconferencing (col. 9 lines 7-50).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the intelligent decision as taught by Rogers to include tariff data as taught by Shaffer for the benefit of converting three-party connection into two-party connection by using "optimal" teleconference connection based upon tariff, time and traffic related data.

Regarding claim 7. Claim 7 is identical to claim 4 with the exception of prior art claimed in preamble of claim 4 now appears at the end of claim 7. Therefore, the rejection for claim 4 (see above) also applies to claim 7.

Response to Arguments

2. Applicant's arguments with respect to claim 4 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

---(6,496,579) Mashinsky also improves on prior art (see Shaffer referenced cited by Mashinsky) whereby 3-party call converted to 2-party by directly connecting country A to country C and avoiding using local phone company at location 48 (see figure 1, col. 6 lines 22-50).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).



Barry W. Taylor
Primary Examiner
Technology Center 2600
Art Unit 2643